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*Attorneys for Defendants
David Carpenter, Pamela Feil,
and Jason O'Dea*

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SEP 25 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RICHARD WEDDLE,

Plaintiff,

vs.

ISIDRO BACA, et al.,

Defendants.

Case No. 3:16-cv-00634-MMD-CBC

ORDER

**MOTION FOR EXTENSION OF TIME TO
RESPOND TO DISCOVERY
(SECOND REQUEST)**

Defendants, David Carpenter, Pamela Fiel, and Jason O'Dea, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Peter E. Dunkley, Deputy Attorney General, hereby submits this Motion for Extension of Time to File Responses to Plaintiffs Discovery requests. (Second Request). This Motion is based on Federal Rule of Civil Procedure 6(b)(1)(A), the following Memorandum of Points and Authorities, and all papers and pleadings on file in this action.

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

Defendant Pamela Feil is a former employee who has duly requested representation from the Attorney General's Office in this litigation. After requesting and obtaining representation from the Attorney General's Office, for this litigation, Ms. Feil has apparently changed residences, which has resulted in a change of address and phone number. The undersigned has attempted to communicate with Ms. Feil with respect to the outstanding discovery. U.S. Post Office mail to Ms. Feil has been returned to our office, and as of September 23, 2019, the discovery has been re-sent to the forwarding

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1 address provided by the U.S. Post Office. The undersigned has not located an e-mail address. The
2 undersigned will continue attempts to follow up with Ms. Feil to obtain discovery responses.

3 As supported by the Declaration of Peter E. Dunkley, attached hereto as Exhibit A, Defendants
4 respectfully request a 45 day extension of time for Ms. Feil to submit responses to outstanding
5 discovery.

6 **II. ARGUMENT**

7 Defendants respectfully request a forty five (45) day extension of time out from the current
8 deadline (September 23, 2019) to respond to Plaintiff's Discovery in this case. Defense counsel
9 submits that Ms. Feil is a former employee who has requested representation from this office.
10 However, Ms. Feil's contact information has changed and the undersigned has had no recent success in
11 communicating with Ms. Feil regarding the discovery. Our office had mailed discovery to Ms. Fiel's
12 address, but the mail was returned by the U.S. Post Office. As of September 23, 2019, our office has
13 re-sent the discovery to Ms. Fiel's forwarding address as indicated on the notice of returned mail from
14 the U.S. Post Office. Telephone calls from the undersigned to Ms. Feil resulted in being informed that
15 the telephone number initially indicated by Ms. Feil was now incorrect.

16 Defense counsel respectfully requests this extension to permit time to re-establish
17 communications with Ms. Feil.

18 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

19 When an act may or must be done within a specified time, the court may,
20 for good cause, extend the time: (A) with or without motion or notice if
21 the court acts, or if a request is made, before the original time or its
extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

22 Defendant's request is timely and will not hinder or prejudice Plaintiff's case, but will allow for a
23 thorough opportunity to respond to the discovery requests. The requested forty-five (45) day extension
24 of time should permit our office time to re-establish communications with Ms. Feil in order to ensure

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1 proper discovery responses in this case. Defendant asserts that the requisite good cause is present to
2 warrant the requested extension of time.

3 DATED this 23rd day of September, 2019.

4 AARON D. FORD
5 Attorney General

6 By: /s/ Peter E. Dunkley
7 PETER E. DUNKLEY, Bar No. 11110
8 Deputy Attorney General

9 *Attorneys for Defendants*

10 IT IS SO ORDERED

11 
12 U.S. MAGISTRATE JUDGE

13 DATED 9/25/2019
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 23rd day of September, 2019, I caused to be deposited for mailing a true and correct copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO RESPOND TO DISCOVERY (SECOND REQUEST)**, to the following:

Richard Weddle, #85306
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

/s/ Caitie Collins
An employee of the
Office of the Attorney General

DECLARATION OF PETER E. DUNKLEY

1. I, Peter E. Dunkley, am over the age of 18 and am otherwise fully competent to testify to the facts contained in this declaration.

2. The statements contained in this declaration, except where otherwise indicated to be upon information and belief, are based on my personal knowledge and experience.

3. I am an Attorney licensed to practice law in the U.S. District Court, District of Nevada.

4. In connection with the filing of this declaration, I submit this declaration in support of Defendant's Motion for Extension of Time in the matter entitled *Weddle v Baca, et al.*, currently pending in the United States District Court, District of Nevada as Case No. 3:16-CV-00634-MMD-CBC.

5. Defense counsel has recently been reassigned this matter from another attorney.

6. We have been preparing discovery responses pursuant to our offices first request for an extension of time to do so.

7. Last week, however, we learned that our efforts to communicate with Pamela Feil about discovery were unsuccessful as the U.S. Post Office returned to our office, mail to Ms. Feil undelivered.

8. The returned mail indicated a forwarding address for Ms. Feil and the discovery was forwarded to Ms. Feil at the new address.

9. We have been unable to communicate with Ms. Feil. We have no e-mail address.

10. A phone call to Ms. Feil resulted in learning that the number we had for Ms. Feil was now a wrong number.

11. The undersigned will continue efforts to re-establish communications with Ms. Feil and to obtain discovery responses from her.

FURTHER I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

EXECUTED this 23rd day of September, 2019


Peter E. Dunkley